

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARSH & MCLENNAN AGENCY LLC,

Plaintiff,

-against-

ELMER “RICK” FERGUSON,

Defendant.

Case No.: 19 cv 03837 (VSB)

**DECLARATION OF A. MICHAEL
WEBER**

A. MICHAEL WEBER, declares pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury that the following is true and correct:

1. I am a Shareholder with the law firm Littler Mendelson, P.C., counsel for Plaintiff Marsh & McLennan Agency LLC (“MMA”).
2. I am familiar with the facts and circumstances associated with this case.
3. Attached as Exhibit A is list of clients supplied by Bill Peartree, with two additional columns from Littler Mendelson noting whether Ferguson sent client contact information to himself during the course of his employment and whether Ferguson solicited that client.
4. Attached as Exhibit B is a true copy of a template Non-Solicitation and Confidentiality Agreement between Barney & Barney/MMA and employees.
5. Attached as Exhibit C is a true copy of the executed Non-Solicitation and Confidentiality Agreement between Barney & Barney/MMA and Jeffrey Calder, dated February 1, 2014.
6. Attached as Exhibit D is a true copy of the executed Non-Solicitation and Confidentiality Agreement between Barney & Barney/MMA and Elmer Ferguson, dated February 1, 2014.

7. Attached as Exhibit E is a true copy of an email from Defendant to Nate White dated January 11, 2019, that Defendant produced to Plaintiff in this action.

8. Attached as Exhibit F is a true copy of an email chain between Defendant and an MMA client dated August 19, 2019, that Defendant produced to Plaintiff in this action.

9. Attached as Exhibit G is a true copy of an email chain between Defendant and Nate White dated February 3, 2019, which Defendant produced to Plaintiff in this action.

10. Attached as Exhibit H is a true copy of an email chain between Defendant and Nate White dated December 20, 2018, which Defendant produced to Plaintiff in this action.

11. Attached as Exhibit I is a true copy of an email chain between William Peartree and Defendant dated February 11, 2019, which Defendant produced to Plaintiff in this action.

12. Attached as Exhibit J is a true copy of Defendant's Exhibit 4 to the evidentiary hearing held in this action on October 2 and 3, 2019.

13. Attached as Exhibit K is a true copy of Plaintiff's Exhibit 26 to the evidentiary hearing held in this action on October 2 and 3, 2019.

14. Attached as Exhibit L is a true copy of Plaintiff's Exhibit 14 to the evidentiary hearing held in this action on October 2 and 3, 2019.

15. Attached as Exhibit M is a true copy of an email from Jeff Calder to Defendant dated February 14, 2019.

16. Attached as Exhibit N is a true copy of an email from Defendant to Nate White dated January, 29, 2019, which Defendant produced to Plaintiff in this action.

17. Attached as Exhibit O is a true copy of Defendant's Exhibit 9 to the evidentiary Hearing held in this action on October 2 and 3, 2019.

18. Attached as Exhibit P is a true copy of Defendant's Personnel Change Form dated March 9, 2015.

Date: December 20, 2019
New York, New York

Respectfully submitted

/s/ A. Michael Weber
A. Michael Weber
LITTLER MENDELSON, P.C.
900 Third Avenue
New York, NY 10022

Attorneys for Plaintiff